

THURSDAY, APRIL 22, 1999
SIXTEENTH LEGISLATIVE DAY
FIRST EXTRAORDINARY SESSION

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Ron Nordan, Trenton Street Baptist Church, Harriman, Tennessee.

Representative Ferguson led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present..... 97

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative McAfee; illness.

Representative Sands; personal reasons.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 63: Rep(s). Naifeh and Fraley as prime sponsor(s).

PERSONAL ORDERS

MESSAGE FROM SPEAKER OF THE HOUSE JIMMY NAIFEH

April 22, 1999

As you go home for the weekend, I would like to encourage you to do several things. We all have received hundreds and hundreds of e-mails and calls from citizens of Tennessee concerning tax reform, and in particular, an income tax. Some of those e-mails were from citizens outside your district; those are important, but not as important as the citizens that you represent in this body. I would encourage you to get out this weekend and listen to what people are saying. People may be angry—and that is ok. It means that they are paying attention to the debate going on here and that they care. Other people may not understand that the State is facing a deficit or they may not understand that the General Assembly has been looking at a number of different options. The Comptroller's Office and the Treasurer's Office have put together some information about the proposed income tax for your assistance. Please take a moment before you leave to review the information you have and make sure you get any questions answered before you leave. Even if you do not support an income tax, my guess is that you will be asked about the proposal—so it is in your interest to understand it before you go.

Something you should explain to your constituents is the nature of what we are currently facing in the State. They should understand that we must balance the State's budget each year. They should also understand that we are facing a \$400 million deficit this year. They should be clear that our current tax system was designed in the 1920's; that it is regressive; and that, even in times of economic prosperity, it has a hard time of keeping up with the funds needed to allow for necessary growth in the services that our government provides. Those, my friends, are the truth and are why we are in special session.

How to deal with it is the problem. We have spent the last several weeks looking at this problem; it has been time well spent just for the information that has been learned. Whether you know which alternatives you think are best or which cuts you think should be made, I think it is important for the people back home that you represent to understand that we have a problem that we have to solve. And if we don't come up with solutions that work for the long term, the problem will be back—sooner rather than later.

It is easy for people, particularly on an issue such as taxes, to stand back and take shots at you—they are not the ones who are having to make the difficult decisions. In the majority of those situations where people are pointing fingers at you, you will find lots of accusations but little help by way of solutions or ideas. Simply saying that government should be more efficient or that we should just cut more is not helpful at all. And your citizens back home should know that.

As elected representatives of this State, we have a responsibility to work to make Tennessee the best it can be. This year, the day that you elected me to be the Speaker, I posed the question to all of you as to why Tennessee should not strive to be the best in what it provided—in education, in crime prevention, in long term health care. Being first in the country in football is great—being first in the country in higher education is better. To do that requires sufficient funding; we currently do not have a tax system in place that allows for us to keep pace. I am not advocating throwing money at problems thinking they will go away—they won't. TennCare may be the perfect example of that. What I do advocate is that we work together to find some way to sufficiently make ends meet.

It has been a long week for all of us. I appreciate the way that you all have conducted your work here this week; schedules were changed, meetings ran into other meetings; members were being

asked to meet on a moment's notice. All of you hung in there--and as Speaker, I thank you for your patience and cooperation.

Go home and get some rest. Listen and talk to your constituents. Think about solutions. Study the information that you take home. And then come back Monday ready to go. We will eventually find a solution. It is our duty and it is our responsibility.

MESSAGE FROM THE SENATE
April 22, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 64 and 65; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 64 -- Naming and Designating - "World War I Veterans Appreciation Year," 1999. by *Crowe, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 65 -- Memorials, Death - Lt. General Gene Fischer. by *Crowe.

MESSAGE FROM THE SENATE
April 22, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 66; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 66 -- General Assembly, Recess&Reconvene - Adjourns sine die First Extraordinary Session of 101 General Assembly; reconvenes 1999 regular session. by *Miller J, *Leatherwood, *Blackburn, *Williams, *Fowler, *Ramsey.

MESSAGE FROM THE SENATE
April 22, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 63; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 63 -- Memorials, Academic Achievement - Monterey High School Valedictorian Brian Lee Roberts and Salutatorian Benjamin Albert Bohannon. by *Burks.

CONSENT CALENDAR

House Joint Resolution No. 61 -- Memorials, Recognition - Dickson Centennial. by *Jackson.

House Joint Resolution No. 62 -- Memorials, Death - Robert "Bob" Mick. by *Cole (Carter).

House Joint Resolution No. 63 -- Memorials, Recognition - American Legion, 80th birthday. by *McDonald.

Senate Joint Resolution No. 53 -- Memorials, Public Service - Tullahoma Woman's Club, 100th anniversary. by *Cooper, *Harper, *Burks, *Kyle.

Senate Joint Resolution No. 55 -- Memorials, Academic Achievement - William Allen Kemp 1999 Valedictorian, Trousdale County High School. by *Rochelle.

Senate Joint Resolution No. 56 -- Memorials, Academic Achievement - Amy Haynes, Salutatorian, Trousdale County High School. by *Rochelle, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsa, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 57 -- Memorials, Academic Achievement - Kira Duke, Valedictorian, Gordonsville High School. by *Rochelle.

Senate Joint Resolution No. 58 -- Memorials, Academic Achievement - Felicia Marks, Salutatorian, Gordonsville High School. by *Rochelle.

Senate Joint Resolution No. 59 -- Memorials, Academic Achievement - Phillip Collins, Valedictorian, Smith County High School. by *Rochelle.

Senate Joint Resolution No. 60 -- Memorials, Academic Achievement - John Miller, Salutatorian, Smith County High School. by *Rochelle.

Senate Joint Resolution No. 62 -- Memorials, Death - Helen Mullins Handley. by *McNally.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes..... 98
Noes..... 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent,

Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Baird moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 64 out of order, which motion prevailed.

House Joint Resolution No. 64 -- Memorials, Recognition - Brother Delmas and Rose Bruce, by *Baird.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Baird, the resolution was adopted.

A motion to reconsider was tabled.

RECESS MOTION

Mr. Speaker Naifeh declared that the House stand in recess until 10:00 a.m.

RECESS EXPIRED

The House was called to order by Mr. Speaker Naifeh.

On motion of Rep. Hargrove, the Roll Call was dispensed with.

RULES SUSPENDED

Rep. Hargrove moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 64 out of order, which motion prevailed.

Senate Joint Resolution No. 64 -- Naming and Designating - "World War I Veterans Appreciation Year", 1999, by *Crowe, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Hargrove, the resolution was concurred in.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Hargrove moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 65 out of order, which motion prevailed.

Senate Joint Resolution No. 65 -- Memorials, Death - Lt. General Gene Fischer, by *Crowe.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Hargrove, the resolution was concurred in.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Hargrove moved that the rules be suspended for the purpose of introducing House Resolution No. 27 out of order, which motion prevailed.

House Resolution No. 27 -- Memorials, Academic Achievement - Kelly Hinkle, Spelling bee winner, by *Bunch, *Newton.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hargrove, the resolution was adopted.

A motion to reconsider was tabled.

APPOINTMENT OF SELECT COMMITTEE

Representative Hargrove moved that a committee be appointed by the Speaker to notify the Governor that the House of Representatives will be adjourning sine die, which motion prevailed.

The Speaker appointed the following committee to notify the Governor: Representatives McDaniel, Hargrove, Kisber, Boyer, Lois DeBerry and Rinks. Representative Kisber served as chair.

APPOINTMENT OF SELECT COMMITTEE

Representative Hargrove moved that a committee be appointed by the Speaker to notify the Senate that the House of Representatives will be adjourning sine die, which motion prevailed.

The Speaker appointed the following committee to notify the Senate: Representatives Walker, Tindell, Brown, Hagood, Walley, and Harwell. Representative Walley served as chair.

REPORT OF SELECT COMMITTEE

Speaker Naifeh recognized Representative Kisber, who reported that the Select Committee notified the Governor that the House had completed its business and is ready to adjourn sine die.

REPORT OF SELECT COMMITTEE

Speaker Naifeh recognized Representative Walley, who reported that the Select Committee had notified the Senate that the House had completed its business and is ready to adjourn sine die.

REPORT FROM SENATE

Senator Mike Williams notified the House that the Senate had completed its business and is ready to adjourn sine die.

RULES SUSPENDED

Rep. Hargrove moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 63 out of order, which motion prevailed.

Senate Joint Resolution No. 63 -- Memorials, Academic Achievement - Monterey High School Valedictorian Brian Lee Roberts and Salutatorian Benjamin Albert Bohannon. by *Burks.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Hargrove, the resolution was concurred in.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Hargrove moved that the rules be suspended for the purpose of introducing Senate Joint Resolution No. 66 out of order, which motion prevailed.

Senate Joint Resolution No. 66 -- General Assembly, Recess&Reconvene - Adjourns sine die First Extraordinary Session of 101 General Assembly; reconvenes 1999 regular session. by *Miller J, *Leatherwood, *Blackburn, *Williams, *Fowler, *Ramsey.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hargrove, the resolution was concurred in by the following vote:

Ayes.....	64
Noes.....	18
Present and not voting	1

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Buck, Buttry, Cole (Carter), Curtiss, Davidson, Davis (Washington), DeBerry L., Ferguson, Fitzhugh, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Hassell, Hood, Jackson, Jones S., Kent, Kisber, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Odom, Patton, Phelan, Pleasant, Pruitt, Ridgeway, Rinks, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Turner (Hamilton), Walker, Walley, West, Westmoreland, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 64.

Representatives voting no were: Armstrong, Bowers, Brooks, Brown, Caldwell, Chumney, Cooper, DeBerry J., Eckles, Jones U., Kernell, Kerr, Langster, Lewis, Miller, Newton, Robinson, Turner (Shelby) -- 18.

Representatives present and not voting were: Bunch -- 1.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE
April 22, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 47, 48, 50, and 52; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SIGNED
April 22, 1999

The Speaker signed the following: Senate Joint Resolution(s) No(s). 47, 48, 50, and 52.

MESSAGE FROM THE SENATE
April 22, 1999

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 60; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS
April 22, 1999

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s) 61.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 22, 1999

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 61; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

April 22, 1999

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s) 62, 63, and 64.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 22, 1999

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 55, 56, 57, and 58; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 22, 1999

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 62, 63, and 64; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 22, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 53, 55, 56, 57, 58, 59, 60, 62, 63, 64, 65, and 66; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SIGNED

April 22, 1999

The Speaker signed the following: Senate Joint Resolution(s) No(s). 53, 55, 56, 57, 58, 59, 60, 62, 63, 64, 65, and 66.

ENROLLED BILLS

April 22, 1999

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 55, 56, 57, 58, 60, 61, 62, 63, and 64; also, House Resolution(s) No(s). 27.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 22, 1999

The Speaker signed the following: House Joint Resolution(s) No(s). 55, 56, 57, 58, 60, 61, 62, 63, and 64; also, House Resolution(s) No(s). 27.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 22, 1999

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 55, 56, 57, 58, 60, 61, 62, 63, and 64; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 22, 1999

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 55, 56, 57, 58, 60, 61, 62, 63, and 64.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

JOURNAL APPROVED

On motion of Rep. Hargrove, the Journal of the House of Representatives and the proceedings thereof were approved from the First through the Sixteenth Legislative Day of the First Extraordinary Session.

SINE DIE ADJOURNMENT

Rep. Hargrove moved pursuant to Senate Joint Resolution No. 66, the First Extraordinary Session of the House of Representatives of the One-Hundred First General Assembly adjourn sine die and that the regular session of the House of Representatives of the One-Hundred First General Assembly reconvene at 4:00 P.M. on Monday, April 26, 1999.

Thereupon, in accordance with Senate Joint Resolution No. 66, Mr. Speaker Naifeh declared the First Extraordinary Session of the House of Representatives of the One-Hundred and First General Assembly adjourned, sine die.

Jimmy Naifeh, Speaker,
House of Representatives.

ATTEST:

BURNEY T. DURHAM, Chief Clerk,
House of Representatives.

**BILLS AND RESOLUTIONS ENROLLED, SIGNED AND TRANSMITTED
TO THE GOVERNOR SUBSEQUENT TO ADJOURNMENT**

Appendix of House Bills and Resolutions presented to the Speaker of the House of Representatives and the Speaker of the Senate for their signatures; and appendix of House Bills and House Joint Resolutions presented to the Governor, with his action, as recorded in the Office of the Secretary of State.

**MESSAGE FROM THE GOVERNOR
April 23, 1999**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 55, 56, 57, 58, 60, 61, 62, 63, and 64, with his approval.

COURTNEY PEARRE, Counsel to the Governor.